

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

VICTORY RAMEY JONES,

PLAINTIFF,

vs.

**Civil Action No.: 2:22-cv-00128
Judge: Thomas E. Johnston**

P.S. MANAGEMENT, INC.

DEFENDANT.

**JOINT MOTION TO LIFT STAY AND FOR
APPROVAL OF SETTLEMENT AGREEMENT**

Victory Ramey Jones (“Plaintiff”) and Defendant P.S. Management, Inc. (“Defendant” and, together with Plaintiff, the “Parties”), by and through their undersigned attorneys, and for their Motion to Lift Stay and for Approval of Settlement Agreement do state and allege as follows:

1. Plaintiff filed suit against Defendant asserting claims for violation of the Fair Labor Standards Act (FLSA), arising out of an alleged policy of Defendant’s by which Plaintiff and other delivery drivers were under-reimbursed for their job-related expenses. *See* ECF No. 1.
2. Defendant denies that any under-reimbursement occurred and avers that its policies fully comply with the requirements of the FLSA.
3. By Order of April 21, 2022, (ECF No. 7) the Court approved dismissal of Plaintiff’s collective action claim.
4. The Parties have reached an agreement to settle Plaintiff’s remaining individual claims brought in this lawsuit, including all wage and hour claims under federal, state, and

common law. The Parties seek this Court's approval of their agreement as memorialized in the Settlement Agreement attached as Exhibit 1.

5. To effectuate the approval of their settlement, the Parties also request that the Court lift the stay currently in place on this case.

6. The Parties believe the Settlement Agreement is a fair, reasonable, and adequate resolution of a bona fide dispute.

7. This Joint Motion is supported by a contemporaneously filed Memorandum in Support.

WHEREFORE, Plaintiff and Defendant respectfully request that the Court grant their Joint Motion, approve the FLSA settlement reached by the Parties, dismiss the matter with prejudice, and retain jurisdiction over the matter for purposes of enforcing the settlement.

Respectfully submitted,

**VICTORY RAMEY-JONES,
PLAINTIFF**

/s/ Rodney A. Smith
Rodney A. Smith
ROD SMITH LAW, PLLC
108 ½ Capitol Street
Charleston, West Virginia 25301
Telephone: (304) 699-1486
rod@lawwv.com

**and P.S. MANAGEMENT, INC.,
DEFENDANT**

/s/ Katherine B. Capito

Katherine B. Capito

Alex J. Zurbuch

FROST BROWN TODD, LLC

500 Virginia Street, East, Suite 1100

Charlestown, West Virginia 25301

Telephone: (304) 348-2411

kcapito@fbtlaw.com

azurbuch@fbtlaw.com